

ASSEMBLY BILL

No. 1405

Introduced by Assembly Members De Leon and V. Manuel Perez

February 27, 2009

An act to amend Section 38597 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1405, as introduced, De Leon. California Global Warming Solutions Act of 2006: Community Benefits Fund.

The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt regulations to require the reporting and verification of emissions of greenhouse gases and to monitor and enforce compliance with the reporting and verification program, and requires the state board to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020. The act requires the state board to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions. The act authorizes the state board to include the use of market-based compliance mechanisms. The act authorizes the state board to adopt a schedule of fees to be paid by the sources of greenhouse gas emissions regulated pursuant to the act, and requires the revenues collected pursuant to that fee to be deposited into the Air Pollution Control Fund and be available, upon appropriation by the Legislature, for purposes of carrying out the act.

This bill would establish the Community Benefits Fund, and would require an unspecified percentage of revenues generated pursuant to the act, including the fee discussed above, to be deposited into that fund.

The moneys in the fund would be used, upon appropriation by the Legislature, in the most impacted and disadvantaged communities in California to accelerate greenhouse gas emission reductions and mitigate direct health impacts of climate change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 38597 of the Health and Safety Code is
2 amended to read:
3 38597. (a) The state board may adopt by regulation, after a
4 public workshop, a schedule of fees to be paid by the sources of
5 greenhouse gas emissions regulated pursuant to this division,
6 consistent with Section 57001. The revenues collected pursuant
7 to this section, *except as provided in subdivision (b)*, shall be
8 deposited into the Air Pollution Control Fund and are available,
9 upon appropriation, by the Legislature, for purposes of carrying
10 out this division.
11 (b) *There is hereby established in the State Treasury the*
12 *Community Benefits Fund. ____ percent of the revenues generated*
13 *pursuant to this division, including, but not limited to, subdivision*
14 *(a), shall be deposited into the Community Benefits Fund. The*
15 *moneys in the fund shall be used, upon appropriation by the*
16 *Legislature, in the most impacted and disadvantaged communities*
17 *in California to accelerate greenhouse gas emission reductions*
18 *and mitigate direct health impacts of climate change.*